Docket No. CRD-0836DIV1



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Frank Butaric, et. al.

Serial No.: 10/622,725 Art Unit: Not Yet Assigned

Filed : July 18, 2003 Examiner: Not Yet Assigned

For : STENT GRAFT HAVING A PLEATED GRAFT MEMBER

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

| March 15, 2004   |
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| (Date of Deposit)  |
| •  |
| Carl J. Evens  |
| Name of applicant, assignee, or Registered Representative) |
| el C   |
| (Signature)  |
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| March 15, 2004   |
| (Date of Signature)  |

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on January 7, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with \$1.97(b), since this Information  $\boxtimes$ Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with \$1.129(a), this Information Disclosure Statement is being filed in connection with [ ] the first or second After Final Submission, therefore: Statement in Accordance with \$1.97(e) (attached); or Please charge Deposit Account No. 10-П

In accordance with §1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in §1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

in \$1.17(p).

the fee of \$180.00 as set forth

|                 | Statement in Accordance with §1.97(e)  |
|-----------------|--|
|                 | (attached); or   |
|                 | Please charge Deposit Account No. 10-  |
|                 | 0750/ / the fee of $$180.00$ as set forth                                      |
|                 | in §1.17(p).   |
| ☐ In ac         | ecordance with \$1.97(d), this Information                                     |
| Disclosure Stat | ement is being filed after the mailing date of                                 |
| either a Final  | Action under \$1.113 or a Notice of Allowance                                  |
| under \$1.311 k | out before the payment of the Issue Fee.                                       |
| Applicant(s) he | ereby petition(s) for consideration of this                                    |
| Information Dis | sclosure Statement. Included are: Statement in                                 |
| Accordance with | 1 §1.97(e) as set forth below and the fee of                                   |
| \$180.00 as set | forth in \$1.17(p).  |
|                 |  |
|                 | es of each of the references listed on the                                     |
| attached Form B | PTO-1449 are enclosed herewith.  |
|                 | es of references listed on the attached Form PTO-<br>sed herewith EXCEPT THAT: |
| П               | In view of the voluminous nature of references                                 |
|                 | [list as appropriate], and the likelihood that                                 |
| •               | these references are available to the Examiner,                                |
|                 | copies are not enclosed herewith.  |
|                 | ·  |
|                 | If any of the foregoing publications are not                                   |
|                 | available to the Examiner, Applicant will                                      |
| •               | endeavor to supply copies at the Examiner's                                    |
|                 | request.   |
|                 |  |
|                 | es of only foreign patent documents and non-                                   |
| patent literatu | are are enclosed in accordance with 37 CFR 1.98                                |

(a)(2). (The U.S. patents and each U.S. patent application

publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC \$371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows: FR2777450 is attached with its English abstract.

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD-0836DIV1/CJE. This form is submitted in triplicate.

Respectfully submitted,

Carl J. Evens Reg. No. 33,874

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2518

DATED: March 15, 2004

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PTO/SB/08A (08-00) Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

| a collection of information unless it displays | a vanu Owo Cuntrui Itumber. |
|--|-----------------------------|
| Application Number                             | 10/622,725                  |
| Filing Date                                    | July 18, 2003               |
| First Named Inventor                           | Frank Butaric               |
| Group Art Unit                                 | Not Yet Assigned            |
| Examiner Name                                  | Not Yet Assigned            |
| Attorney Docket Number                         | CRD-0836DIV1                |

| U.S. PATENT DOCUMENTS    |              |                      |                                      |                               |                                 |  |
|--------------------------|--------------|----------------------|--------------------------------------|-------------------------------|---------------------------------|--|
|                          | Cite<br>No.1 | U.S. Patent Document |                                      | Name of Patentee or Applicant | Date of Publication             | Pages, Columns, Lines,                             |
| Examiner<br>Initials     |              | Number               | Kind Code <sup>2</sup><br>(if known) | of Cited Document             | of Cited Document<br>mm-dd-yyyy | where relevant passages or relevant figures appear |
|                          |              | 5,653,745            | А                                    | Lindell, Elaine et. al.       | 08-05-1997                      |  |
|                          |              |                      |                                      |                               |                                 |  |
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| FOREIGN PATENT DOCUMENTS |              |                      |                                      |                               |                                 |  |

#### Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or passages or relevant Examiner mm-dd-yyyy Applicant of Cited Document figures appear Initiats Number<sup>4</sup> KindCode<sup>5</sup> Office<sup>3</sup> No.1 EP 0 666 066 Ą Ethicon, Inc. 08-09-1995 EP 1 208 817 Α Cordis Corp. 05-29-2002 ΕP 1 212 990 Α Cordis Corp. 06-12-2002 2 777 450 Braun Celsa Sa 10-22-1999 with its English Abstract

| Examiner  | Date       |
|-----------|------------|
| Signature | Considered |

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant.

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<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

## SUBMISSION UNDER MPEP 609 D

Application Number 10/622,725
Filing Date July 18, 2003
First Named Inventor Frank Butaric
Group Art Unit Not Yet Assigned
Examiner Name Not Yet Assigned
Attorney Docket Number CRD-0836DIV1

Page 1 of 1

FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages Name of Patentee or Examiner Initials or relevant figures Cite Applicant of Cited Document Number<sup>4</sup> KindCode<sup>5</sup> appear No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Cite No.1 Examiner volume-issue number(s), publisher, city and/or country where published Initials\* EPO Search Report dated December 16, 2003 for EPO APPL. NO. EP 01 30 9630

| Examiner  | Date       |  |
|-----------|------------|--|
|           |            |  |
| Signature | Considered |  |
|           |            |  |